

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN B. PRASAD,
Plaintiff,

v.

COUNTY OF SAN MATEO,
Defendant.

Case No. [22-cv-02720-JST](#)

**ORDER DENYING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT WITHOUT PREJUDICE**


Re: ECF No. 9

Plaintiff has filed a *pro se* action pursuant to 42 U.S.C. § 1983, alleging that San Mateo County is serving him food that uses pork products in the vegetarian meals despite being aware that Plaintiff's religion prohibits consumption of beef and pork, in violation of Plaintiff's First Amendment right to free exercise of religion. *See generally* ECF Nos. 1, 10. On March 14, 2023, the Court screened the complaint and ordered service on defendant San Mateo County. ECF No. 10. To the Court's knowledge, defendant San Mateo County has not yet been served. Plaintiff has filed a motion for summary judgment and injunctive relief. ECF No. 9. This motion is DENIED without prejudice to re-filing once defendant San Mateo County has been served. The Court does not have jurisdiction over San Mateo County until service has been effected. *See, e.g., In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999) ("judgment entered without personal jurisdiction over the parties is void").

This order terminates ECF No. 9.

IT IS SO ORDERED.

Dated: March 27, 2023


JON S. TIGAR
United States District Judge